UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,190	12/22/2000	Sascha Baumeister	DE919990097US1	1332

7590 03/30/2004	**EXAMINER**
Floyd A. Gonzalez	EL CHANTI, HUSSEIN A

Floyd A. Gonzalez
IBM Corporation
2455 South Road, P386
Poughkeepsie, NY 12601

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 December 2000</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to application filed on Dec. 22, 2000. Claims 1-30 are

pending examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 5, 15 and 25 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 5, 15 and 25 recite the limitation "itself" in the second line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1-11, 19, 23 and 29 are rejected under 35 U.S.C. 102(e) as being

anticipated by Colby et al., U.S. Patent No. 6,625,643 (referred to hereafter as Colby).

As to claim 1, Colby teaches a client-server based file transfer method for a client

computer system comprising the steps of:

keeping at the client computer system, at least a portion of a file system

associated file ready for being accessed by an application program while the contents of

said file is being transferred between said server and said client (see col. 3 lines 10-30

and col. 25 lines 10-26), and

fulfilling application program-initiated requests for accessing specified portions of

said file while said file is being transferred (see col. 3 lines 10-30 and col. 25 lines 10-

26).

As to claim 2, Colby teaches the method according to claim 1 further comprising,

communicating with said file system by a Future File System Extension program,

via a protocol directed to file accesses to said file system (see col. 25 lines 10-26 and

col. 4 lines 56-col. 5 lines 7).

As to claim 3, Colby teaches the method according to claim 2 in which said

protocol is XDSM or derivable from XDSM, or functionally equivalent to XDSM (see col.

25 lines 10-26 and col. 4 lines 56-col. 5 lines 7).

As to claim 4, Colby teaches the method according to claim 2 in which said

Future File System Extension program is implemented as a stacked file system (see

col. 25 lines 10-26 and col. 4 lines 56-col. 5 lines 7).

As to claim 5, Colby teaches the method according to claim 2 in which said

Future File System Extension program is implemented in the file system itself (see col.

25 lines 10-26 and col. 4 lines 56-col. 5 lines 7).

As to claim 6, Colby teaches the, method according to claim 1 further comprising, rendering data on the client computer system (see col. 25 lines 10-26).

As to claim 7, Colby teaches the method according to claim 1 further comprising, directly transferring data between a server and an end-user client (see col. 25 lines 10-26).

As to claim 8, Colby teaches the method according to claim 7 further comprising, transferring new media data by streaming the data from the server (see col. 25 lines 10-26).

As to claim 9, Colby teaches a client-server based file transfer method comprising the steps of:

issuing specifications by said client-server, and streaming client-requested file information to a client computer system in portions according to the specifications issued by said client-server (see col. 3 lines 10-30 and col. 25 lines 10-26),.

As to claim 10, Colby teaches the method according claim 9 in which said step of streaming is performed by sequentially streaming the requested file, skipping portions of the file previously streamed (see col. 4 lines 56-col. 5 lines 10).

As to claim 11, Colby teaches a client-server based file transfer apparatus for a client computer system comprising: means for keeping at the client computer system, at least a portion of a file system associated file ready for being accessed by an application program while the contents of said file is being transferred between said

server and said client, and means for fulfilling application program-initiated requests for accessing specified portions of said file while said file is being transferred (see col. 3 lines 10-30 and col. 25 lines 10-26),

As to claim 19, Colby teaches a client-server based file transfer apparatus comprising: means for issuing specifications by said client-server, and means for streaming client-requested file information to a client computer system in portions according to the specifications issued by said client-server (see col. 3 lines 10-30 and col. 25 lines 10-26),

As to claim 21, Colby teaches a computer program product comprising a computer useable medium having computer readable program code means therein for use with a client-server based file transfer apparatus for a client computer system comprising:

computer readable program code means keeping at the client computer system, at least a portion of a file system associated file ready for being accessed by an application program while the contents of said file is being transferred between said server and said client, and

computer readable program code means for fulfilling application program-initiated requests for accessing specified portions of said file while said file is being transferred (see col. 3 lines 10-30 and col. 25 lines 10-26),

As to claim 29, Colby teaches a computer program product comprising a computer useable medium having computer readable program code means therein for use with a client-server based file transfer apparatus comprising:

computer readable program code means for issuing specifications by said client-server, and

computer readable program code means for streaming client-requested file information to a client computer system in portions according to the specifications issued by said client-server (see col. 3 lines 10-30 and col. 25 lines 10-26),

4.   Claims 12-18, 20, 22-28 and 30 do not teach or define any additional limitations over claims 1-11, 19, 21 and 29 and therefore are rejected for similar reasons.

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-    Methods And Structures For Robust Reliable File Exchange Between Secured Systems by Miller et al., U.S. Patent No. 6,192,410.

-    System And Method For Record And Playback Of Collaborative Web Browsing Session by Rust, U.S. Patent No. 6,535,909

-    Client-Based Dynamic Switching Of Streaming Servers For Fault Tolerance And Load Balancing by Goldszmidt et al., U.S. Patent No. 6,195,680.
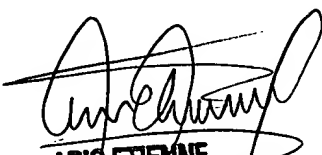
6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

March 21, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100